

IN THE UNITED STATES DISTRICT COURT

NOV 04 2004

FOR THE DISTRICT OF IDAHO

Cameron S. Burke  
 Clerk, Idaho

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETE A. KARABOYAS,

Defendant.

Case No. CR 04-84-E-BLW

REPORT AND  
 RECOMMENDATION

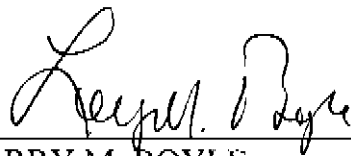
On November 2, 2004 Defendant appeared before the undersigned United States Magistrate Judge to enter a change of plea pursuant to a written plea agreement.

Defendant executed a written waiver of the right to have the presiding United States District Judge take his change of plea. Thereafter, the Court explained to Defendant the nature of the charges, the maximum penalties applicable, his constitutional rights, the effect of the Sentencing Guidelines, and that the District Judge would not be bound by the agreement of the parties as to the penalty to be imposed.

Having conducted the change of plea hearing and having inquired of Defendant and his counsel, and counsel for the United States, the Court concludes that there is a factual basis for Defendant's plea of guilty, and that it was entered voluntarily and with full knowledge of the consequences, and that the plea should be accepted.

Based upon the foregoing, this Court recommends that the District Court accept Defendant's plea of guilty to Count One of the Superseding Indictment and that Count Four of the Superseding Indictment be dismissed (as to Defendant Karaboyas only).

DATED this 4<sup>th</sup> day of November, 2004.

  
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LARRY M. BOYLE  
CHIEF MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT

United States District Court  
for the  
District of Idaho  
November 5, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 4:04-cr-00084

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Michael Joseph Fica, Esq. 1-208-478-4175  
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U.S. Marshal  
HAND DELIVERED

Probation  
HAND DELIVERED

☒ Chief Judge B. Lynn Winmill  
☐ Judge Edward J. Lodge  
☒ Chief Magistrate Judge Larry M. Boyle  
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:  
☐ Judge David O. Carter  
☐ Judge John C. Coughenour  
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 11-5-04

BY: *CS*  
(Deputy Clerk)